

REMARKS

The examiner is thanked for the very thorough and professional office action. Pursuant to that office action, claims 1 and 2 have been amended to more definitely set forth the invention and obviate the rejections. Specifically, claims 1 and 2 have been amended to call for the oral administration of sphingomyelin as an effective ingredient. Support for the amendment of claims 1 and 2 can be found in the specification on page 5, lines 9-15. In addition, new claims 5-7 have been presented herein, which are directed to a method of decreasing transepidermal water loss by the oral administration of sphingomyelin as an effective agent. Support can be found in the specification for new claims 5-7 on page 6, lines 2-10, and lines 15-20. The present amendment is deemed not to introduce new matter. Claims 1-7 are in the application.

Reconsideration is respectfully requested of the rejection of Claims 1 and 2 under 35 U.S.C. 102(b) as being anticipated by Greff, et al.

The Present Invention

The present inventors conducted intensive research for a component having beautifying effects, such as skin-moisturizing and protecting effects, skin-roughness-preventing and improving effects, and wrinkle-preventing effects. Applicants unexpectedly discovered that oral ingestion of sphingomyelin, which can be blended with a food or feed, results in decreasing transepidermal water loss and achieves the sought after beautifying effects to the skin.

The Rejection

Greff, et al. discloses a cosmetic composition containing sphingomyelin which can be

applied in a cosmetic to the skin. However, there is no disclosure whatever in Greff, et al. of the oral administration of sphingomyelin to decrease transepidermal water loss, which achieves the beautifying effects to the skin sought by the inventors herein. On the contrary, that teaching or suggestion comes only from the present application and constitutes an important element or aspect of the present invention.

To more clearly patentably distinguish from Greff, et al., claims 1 and 2 have been amended to require the oral administration of sphingomyelin. In view of these admendments, it is respectfully submitted that claims 1 and 2 are neither anticipated by nor unpatentably obvious over Greff, et al. Consequently, the examiner would be justified in no longer maintaining the rejection. Withdrawal of the rejection is accordingly respectfully requested.

Reconsideration is respectfully requested of the rejection of Claim 2 under 35 U.S.C. 102(e) as being anticipated by Kanamaru, et al.

The Kanamaru, et al. reference relied upon by the examiner fails to disclose or suggest decreasing the transepidermal water loss of skin by orally administering a composition comprising sphingomyelin as now required by amended claim 2 herein. For this reason, it is respectfully urged that Kanamaru, et al. neither anticipates nor renders unpatentably obvious the subject matter now called for in claim 2. Consequently, the examiner would be justified in no longer maintaining this rejection. Withdrawal of the rejection is accordingly respectfully requested.

Reconsideration is respectfully requested of the rejection of Claim 3 under 35 U.S.C. 103(a) as being unpatentable over Msika, et al. in view of Nieuwenhuizen.

The examiner's primary reference of Msika, et al. is concerned with the prevention of allergic dermatitis. However, there is no disclosure whatever in Msika, et al. of decreasing transepidermal water loss of the skin by the oral administration of a composition containing sphingomyelin. On the contrary, that teaching or suggestion comes only from the present application and constitutes an important element or aspect of the invention.

The examiner's secondary reference of Nieuwenhuizen, et al. fails to cure the deficiencies of the primary reference of Msika, et al. because there is no disclosure in the secondary reference that the food containing sphingomyelin decreases transepidermal water loss of the skin and thus results in beautifying effects thereto.

It is therefore respectfully submitted that the examiner's combination of references taken either individually or in combination fail to disclose the subject matter now called for in the claims herein. For this reason, it is respectfully urged that the examiner would be warranted in no longer maintaining this rejection. Withdrawal of the rejection is accordingly respectfully requested.

Reconsideration is respectfully requested of the rejection of Claim 4 under 35 U.S.C. 103(a) as being unpatentable over Nieuwenhuizen, et al. in view of Greff, et al.

The deficiencies of both the Nieuwenhuizen, et al. and Greff, et al. references are discussed above.

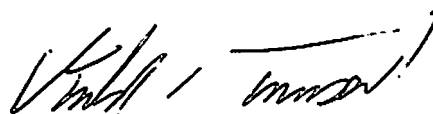
It is respectfully urged that the examiner's references taken either individually or in combination fail to disclose decreasing the transepidermal water loss of skin by the oral administration of sphingomyelin as now called for in the claims herein. It is therefore

respectfully submitted that the composition and method now called for in the claims herein is not obvious in view of the examiner's combination of references. Consequently, the examiner would be justified in no longer maintaining the rejection. Withdrawal of the rejection is accordingly respectfully requested.

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance, and early action and allowance thereof is accordingly respectfully requested. In the event there is any reason why the application cannot be allowed at the present time, it is respectfully requested that the Examiner contact the undersigned at the number listed below to resolve any problems.

Respectfully submitted

TOWNSEND & BANTA

A handwritten signature in black ink, appearing to read 'Donald E. Townsend', with a stylized flourish at the end.

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